REMARKS

Claims 2 to 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Applicants' Admitted Prior Art (AAPA).

Reconsideration of the application based on the following remarks is respectfully requested.

35 U.S.C. 103(a) Rejections

Claims 2 to 11 were rejected under 35 U.S.C. §103(a) as unpatentable over AAPA.

AAPA is described at paragraphs [0003] to [0008] of the specification.

Independent claim 11 recites "[a] method for digital imaging of a printing form through application of energy the method comprising the steps of:

establishing at least one reference point within image data of an image to be imaged onto a printing form and a limit value for a number of image spots within a surrounding area of the at least one reference point;

examining a plurality of image spots in the surrounding area of the at least one reference point in the image data and comparing the number of image spots to be imaged within the surrounding area with the limit value with the image processing unit;

modifying the image data to leave in place the at least one reference point as at least one supporting point if the number of image spots to be imaged in the surrounding area of the at least one reference point exceeds the limit value and a boundary area in the surrounding area around the at least one reference point contains only image spots to be imaged;

applying energy to create burn-off within the image spots around the at least one supporting point in a burn-off area; and

detaching burn-off from the burn-off area from the printing form in a cleaning step."

It is respectfully submitted that AAPA does not disclose or make obvious the "establishing," "examining" and "modifying" steps of claim 11. The Examiner acknowledges that these steps of claim 11 are not disclosed in AAPA, but alleges that these steps would have been obvious over AAPA. At page 4 of the January 25, 2010 Office Action, the Examiner states:

> AAPA teaches that the number of supporting points is a results-effective variable which affects the residual adhesion of the imaged area surrounding the supporting points, which affects the uncontrolled detachment of burn-off, thereby ultimately affecting the control of the cleaning process.
>
> This is a similar situation to construction of bridge or platform, in that one must provide sufficient support while at the same time minimizing use of materials by using as few support structures as possible. In doing so, one chooses an appropriate limit value of weight which is not meant to be exceeded, which corresponds to the location (space between supports) and number of supports.
>
> Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to optimize the residual adhesion of the imaged areas by optimizing the number of supporting points and the space between them to achieve the predictable result of providing sufficient support structure to burn-off areas such that uncontrolled detachment of burn-off areas does not occur, thus allowing for a controlled cleaning of the printing form.

It is respectfully submitted that the Examiner's determination that the "establishing," "examining" and "modifying" steps of claim 11 would have been obvious is completely conclusory and is not supported by AAPA. It is respectfully submitted that the Examiner's statements misinterpret AAPA and completely disregards the exact teaching of paragraphs [0007] and [0008] of the present specification. Paragraph [0007] of the present specification teaches "[i]n normal high-resolution imaging, supporting points are distributed in a uniform grid across the entire printing area." (Emphasis added). Paragraph [0008] of the present specification further teaches "[i]f at uniform intervals ... individual set bits ... are replaced by un-set bits ... supporting points result ... in the form of small un-imaged areas on a uniform grid." (Emphasis added). For example, the AAPA method of distributing supporting points in a uniform grid is described in Fig. 5b. In Fig. 5b, the supporting points are distributed at uniform intervals in two linearly independent positions and the intervals are set at constant values. Thus, the teaching of AAPA is to provide the supporting points on a uniform grid at constant predetermined intervals without examining the image area. If supporting points are provided on such a uniform grid, the only information needed to are the uniform intervals in the two linearly independent directions of the grid. Based upon the teaching of AAPA, there would be absolutely no reason for one of skill in the art establish a "limit value" or to consider a "surrounding area of the at least one reference point" and a "boundary area in the surrounding area" as in claim 1. One of skill in the art would understand that the uniform intervals are constant values for given imaging resolutions and

merely stored and read when needed, but not modified in view of an examination and comparison of the image area as in the "examining" and "modifying" steps of claim 1.

Additionally, it is respectfully submitted that the Examiner completely fails to address the actual language of any of the "establishing," "examining" and "modifying" steps of claim 11. The only articulated reasoning provided by the Examiner as to why these steps would have been obvious to one of skill in the art appears to involve somehow analogizing the modifying of image data to leave in place at least one reference point as at least one supporting point on a printing plate to minimizing materials in the construction of bridge by using as few support structures as possible. The Examiner alleges that using as few support structures as possible in constructing a bridge or platform involves choosing "an appropriate limit value of weight which is not meant to be exceeded, which corresponds to the location (space between supports) and number of supports." Then, the Examiner merely concludes that all of the limitations of claim 11 would have been obvious to optimize the number of supporting points and the space between them in AAPA.

Claim 11 recites "establishing ... a limit value for a number of image spots within a surrounding area of the at least one reference point." The Examiner does not articulate why one of skill in the art would have modified the teaching of AAPA to place supporting points in a uniform grid on a printing plate in view of the Examiner's unsupported statement that constructing a bridge or platform involves choosing an appropriate limit value of weight to establish "a ***limit value for a number of image spots*** within a surrounding area of the at least one reference point" as recited in claim 11. The Examiner appears to allege that one of skill in the art, in view of the Examiner's bridge construction hypothetical, would have modified AAPA to establish a limited value of the weight of the supporting points used on a printing plate and thus all of the limitations of claim 11 would have been obvious to optimize the number and spacing of the supporting points in AAPA. Neither AAPA nor the Examiner's bridge construction hypothetical provides any reason why one of skill in the art would have established "a ***limit value for a number of image spots*** within a surrounding area of the at least one reference point" as recited in claim 11 to limit the weight of the supporting points used on a printing plate a number of image spots in an area of image data or why such a modification would have been obvious to

one of skill in the art. As discussed above, the "establishing" step of claim 11, in view AAPA and the Examiner would not have been obvious to one of skill in the art at the time of the present invention and the Examiner's bridge construction hypothetical, would not have been obvious and the Examiner's conclusion of obviousness is based on hindsight bias.

Similarly, the Examiner does not establish a prima facie case of obviousness with respect to the "examining" step of claim 11. Claim 11 recites "examining a plurality of image spots in the surrounding area of the at least one reference point in the image data and comparing the number of image spots to be imaged within the surrounding area with the limit value with the image processing unit." The Examiner does not in any way explain why one of skill in the art would have modified the teaching of AAPA of distributing supporting points in a uniform grid in view of choosing a limit value of a weight of materials to be used to construct supporting structure or how such a modification would make obvious "examining a plurality of image spots in the surrounding area of the at least one reference point in the image data and comparing the number of image spots to be imaged within the surrounding area with the limit value with the image processing unit" as recited in claim 1. As discussed above, one of skill in the art would not have had any reason to have compared image spots to be imaged in a surrounding area of any point in AAPA with a limit value in view of the limiting the weight of support structures in the Examiner's bridge construction hypothetical. It is respectfully submitted that the "examining" step of claim 11 would not have been obvious to one of skill in the art at the time of the present invention and the Examiner's conclusion of obviousness is based on hindsight bias.

Similarly, the Examiner does not establish a prima facie case of obviousness with respect to the "modifying" step of claim 11. Claim 11 recites "modifying the image data to leave in place the at least one reference point as at least one supporting point if the number of image spots to be imaged in the surrounding area of the at least one reference point exceeds the limit value and a boundary area in the surrounding area around the at least one reference point contains only image spots to be imaged." The Examiner does not state why one of skill in the art would have modified the teaching of AAPA of distributing supporting points in a uniform grid to modify image data of AAPA to leave any reference point as a supporting point if the number of image spots to be imaged in the surrounding area of the at least one reference point exceeds a limit

value in view of the limiting the weight of support structures in the Examiner's bridge construction hypothetical and the reference point a boundary area in the surrounding area around the at least one reference point contains only image spots to be imaged. The Examiner's bridge construction hypothetical clearly does not provide any reason to take into consideration a boundary area in a surrounding area of a reference point in image data of printing plate or, more specifically, to leave in place a reference point as a supporting point based on whether the boundary area in a surrounding area of a reference point in image data of printing plate contains only image spots to be imaged. As discussed above, the "modifying" step of claim 11, in view AAPA and the Examiner would not have been obvious to one of skill in the art at the time of the present invention and the Examiner's bridge construction hypothetical, would not have been obvious to one of skill in the art at the time of the present invention and the Examiner's conclusion of obviousness is based on hindsight bias.

Based on the foregoing, withdrawal of the rejection under 35 U.S.C. 103(a) of claim 11 and its dependent claims 2 to 10 is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance and applicant respectfully requests such action.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By:_____
William C. Gehris,
Reg. No. 38,156

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940